

LAND DEVELOPMENT CODE

§ 10-3

normally maintained which has a capacity to provide extended detention for the required stormwater treatment volume.

**Wetland** shall mean an area included within the landward extent of surface waters of the state, pursuant to applicable rules in the Florida Administrative Code, or any area which is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and which under normal circumstances supports, a prevalence of vegetative or aquatic life typically adapted for life in periodically saturated soil conditions, known as hydric soils, or saturated or periodically saturated nonsoil substrates. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, wet meadows, river overflows, mud flat, sand flats, beaches, seepage slopes, and temporary natural ponds.

**Wholesale activities** shall mean establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Wildlife habitat enhancements** shall mean elements of a landscape design which facilitate the use of a landscaped area by wildlife. Such elements may include hummingbird and butterfly gardens, use of native shrubs which provide food for wildlife, birdhouses, bathhouses, and water gardens.

**Window sign** shall mean any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

**Xeriscaping** shall mean landscaping or other planting or preservation of areas in a manner that will require minimal irrigation for survival of vegetation, including planting or preservation of native and natural species.

**Yard, required** shall mean the minimum lot area as specified in these regulations for front, side, and rear yards, as distinguished from any yard area in excess of the minimum required.

**Zero lot line** shall mean the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

(Code 1980, § 7-52(1); Ord. No. 89-6, § 1.01, 3-21-89; Ord. No. 89-44, § 2(7-113), 12-12-89; Ord. No. 90-31, § II, 7-16-90; Ord. No. 90-41, § III, 10-16-90; Ord. No. 91-23, § 1, 11-26-91; Ord. No. 91-24, § 1(19-1), 12-10-91; Ord. No. 92-3, § 1(7-5), 1-28-92; Ord. No. 92-4, § 1(3), 1-28-92; Ord. No. 92-9, § 1(18-3-1, 18-3-9), 3-10-92; Ord. No. 92-10, § 2(2.1, 2.2), 3-10-92; Ord. No. 92-19, § 1, 10-13-92; Ord. No. 93-14, § 1, 10-12-93; Ord. No. 94-1, § 1, 2-8-94; Ord. No. 95-14, § 1, 9-12-95; Ord. No. 96-02, § 1, 2-27-96; Ord. No. 97-01, § 1, 1-28-97; Ord. No. 97-11, § 2, 6-10-97; Ord. No. 97-12, § 1, 7-8-97; Ord. No. 99-15, § 1, 5-25-99; Ord. No. 99-30, §§ 1, 2, 11-23-99; Ord. No. 00-04, § 1, 1-25-00; Ord. No. 00-33, § 1, 9-12-00; Ord. No. 00-45, § 2, 11-14-00; Ord. No. 01-09, § 1, 4-10-01; Ord. No. 01-19, § 1, 9-18-01; Ord. No. 02-14, § 1, 7-23-02; Ord. No. 03-08, § 1, 4-15-03).

Cross reference—Definitions and rules of construction generally, § 1-2.

**Sec. 10-2. Land development regulation commission designated.**

The planning commission is designated as the land development regulation commission pursuant to the act, and shall have all of the powers and duties of a land development regulation commission as set out in the Local Government Comprehensive Planning and Land Development Regulation Act [F.S. § 163.3161 et seq.].

(Ord. No. 90-11, § 2(17.1-31), 3-13-90)

State law reference—Land development regulation commission, F.S. § 163.3194(2).

**Sec. 10-3. Development agreement approval procedures.**

The Board of County Commissioners shall have authority by resolution to enter into a development agreement with any person having a legal or equitable interest in real property located within its jurisdiction if:

- (1) The development agreement meets all of the requirements of the Florida Local Government Development Agreement Act [F.S. § 163.3220 et seq.];

- (2) Such agreement shall have been considered by the Board of County Commissioners after two public hearings; at the option of the Board of County Commissioners, one hearing may be held by the planning commission, and approved by the Board of County Commissioners at the second such hearing or thereafter; and
- (3) Notice of such public hearing shall have been given in accordance with the Florida Local Government Development Agreement Act.

(Ord. No. 89-22, § 1, 7-18-89)

#### **Sec. 10-4. Designation and delegation of authority.**

All designations and delegations of authority made by the county administrator, or other specified official, for purposes of implementing the provisions of this chapter shall be made in writing and included in adopted policies and procedures as appropriate.

(Ord. No. 96-02, § 2, 2-27-96)

#### **Sec. 10-5. Bradfordville sector plan.**

(a) *Purpose and intent.* The purpose and intent of this ordinance [Ord. No. 00-31, adopted July 11, 2000] is to establish new standards for development in the Bradfordville Study Area so as to discourage urban sprawl; preserve the rural character of the area; protect and enhance the natural surface water bodies in the area; eliminate potential stormwater problems in the area and reduce harm from flooding; maintain commercial services commensurate with population growth; provide for the development of a Bradfordville commercial center; establish design standards for development review; appropriately locate land uses; provide for an efficient and effective transportation system; ensure the availability of concurrent and adequate public facilities (including transportation, stormwater management, sewer, water, parks and open space); establish appropriate and necessary standards for the development and use of land in the Bradfordville Study Area; protect scenic viewsheds; protect historic resources; and establish appropriate design standards for development to protect the health, safety and welfare of current and future residents.

#### **(b) Findings.**

- (1) The board hereby finds that the land uses, amount, rate, density and intensity of new development and all other aspects pertaining to development as set forth in the Bradfordville Sector Plan for the Bradfordville Study Area are compatible with and further the objectives, policies, land uses, and densities and intensities set forth in the comprehensive plan and are consistent with the comprehensive plan, including but not limited to the provisions relating to the Bradfordville Study Area.
- (2) The board hereby finds that the provisions contained in this ordinance [Ord. No. 00-31, adopted July 11, 2000] amending the Land Development Code of Leon County for the Bradfordville Study Area are consistent with the Comprehensive Plan and the Bradfordville Sector Plan.

#### **(c) Adoption of the Bradfordville Sector Plan.**

The board hereby adopts the Bradfordville Sector Plan as adopted July 11, 2000, by Ordinance 00-31, and incorporates said plan by reference.  
(Ord. No. 00-31, §§ 1-3, 7-11-00)

#### **Sec. 10-6. Stay of expiration of development order approvals.**

Notwithstanding any provision regarding the expiration of development orders, any challenge of a development order approval will act as a stay of the time periods regarding expiration of the development order approval until all litigation including any appellate proceedings is concluded.  
(Ord. No. 01-04, § 1, 2-20-01)

*Editor's note*—Ord. No. 01-04, § 1, adopted Feb. 20, 2001, amended this Code by providing for the stays on the expiration of development order approvals. To maintain the numeric sequencing of this Code, these provisions have been included as § 10-6 at the discretion of the editor to read as herein set out. See the Code Comparative Table.

#### **Sec. 10-7. Authority to enter.**

For the purpose of inspection for compliance with the terms of all land development regulations and permits issued pursuant thereto, the submission of an application for development approval pursuant to this chapter shall confirm or